

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Winik Media LLC, Gregg Winik,

Plaintiffs,

v.

16 Civ. 2483 (DAB)
ADOPTION OF REPORT
& RECOMMENDATION

One Up Games LLC,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the October 11, 2017 Report and Recommendation of United States Magistrate Judge James L. Cott ("Report"). Judge Cott's Report recommends that the Court award damages to Winik Media in an amount of \$650,000. (Report at 1).

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations. . . ." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The District Court may adopt those portions of the Report to which no timely objection has been made, so long as there is no clear error on the face of the record. See 28 U.S.C. § 636(b)(1)(A); Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

By letter dated October 13, 2017, Winik Media informed this Court that it had no objection to Judge Pitman's Report. Thus, the Court reviews the Report and Recommendation for clear error.

The Court has reviewed the Report and Recommendation and finds no clear error on the face of the record. Judge Pittman carefully considered the amount of damages to which Plaintiff is entitled and based his determinations on a reasonable reading of the contract provisions at issue.

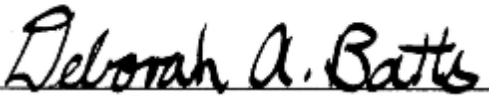
Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge James L. Cott dated October 11, 2017 be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;
2. Pursuant to Magistrate Judge Cott's recommendation, the Court awards damages in favor of Winik Media in an amount of \$650,000.

The Clerk of Court is directed to close the docket in this case.

SO ORDERED.

DATED: New York, NY
April 18, 2018


Deborah A. Batts
United States District Judge